

REMARKS/ARGUMENTS

Reconsideration of the rejections cited in the *second* Notice of Non-Compliant Amendment (37 C.F.R. §1.121) is now respectfully requested. Claims 1-36 remain pending and rejected. No claims have been cancelled. The specification, Claims 1, 17 and 29 and the Abstract have been amended according to the Examiner's comments. Sections (d) and (e) which were inadvertently omitted in Claim 17 have now been added. The Abstract is amended and on a separate page. Applicants submit that all amendments are supported by the application-as-filed and that no new matter has been added.

As the Examiner suggested in a telephone conversation with the assistant of the undersigned agent, Applicants are including a copy of the entire response to the *first* Notice of Non-Compliant Amendment filed on February 15, 2006, as reference and marked "COPY." ✓

In view of the present amendments, the above-identified patent application is now in condition for allowance. Therefore, Applicants respectfully request consideration of these remarks and entry of the present amendments in response to the *second* Notice of Non-Compliant Amendment (37 C.F.R. §1.121). To the extent that the Examiner has any questions with respect to this application, Applicants request that the Examiner contact the undersigned agent.

**The Commissioner is hereby authorized to charge payment of any fees due under 37 C.F.R. §1.17 or credit any overpayment to Deposit Account No. 502023. A duplicate copy of this document is enclosed.**

Respectfully submitted,

April 27, 2006

Date

Tom J. Hall

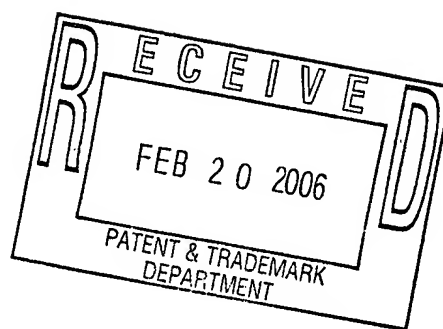
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# COPY



Date Mailed: Feb 13, 2006 Inventor(s): Thomas Andrew Schell et al.  
Docket No.: 20719 Title: "Heat-Shrinkable Packaging Films with  
Improved Sealing Properties and Articles Made Thereof"  
Application No.: 10/737,302 Filing Date: December 16, 2003

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Date Mailed: Feb 13, 2006 Inventor(s): Thomas Andrew Schell et al.

Docket No.: 20719 Title: "Heat-Shrinkable Packaging Films with Improved Sealing Properties and Articles Made Thereof"

Application No.: 10/737,302 Filing Date: December 16, 2003

Kindly acknowledge receipt of the following:

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Attorney Docket No. 20719

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No.: 10/737,302	Examiner: D. S. Nakarani
Filing Date: December 16, 2003	Group Art Unit: 1773
Inventor(s): Thomas Andrew Schell et al.	
Title: Heat-shrinkable Packaging Films with Improved Sealing Properties and Articles Made Thereof	
Attorney Docket No.: 20719	
Customer No. 30482	
Mail Stop Amendment Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450	<p align="center"><b><u>Certificate of Mailing</u></b></p> <p>I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on this date of <u>February 13, 2006</u></p> <p>By: <u>Leslie J. Mills</u> Leslie J. Mills</p>

**TRANSMITTAL FOR RESPONSE TO**  
**NOTICE OF NON-COMPLIANT AMENDMENT**  
**UNDER 37 CFR 1.121**

Dear Sir:

In reply to the Notice of Non-Compliant Amendment under 37 CFR 1.121 dated February 2, 2006, Applicants hereby enclose the following documents:

- 1) Response to Notice of Non-Compliant Amendment under 37 CFR §1.121;
- 2) Amendment Transmittal in duplicate;
- 3) Certificate of Mailing;
- 4) Deposit Account Authorization for payment of fees; and
- 5) Return Receipt Postcard.

The Commissioner is hereby authorized to charge any payment of the fees or credit any overpayment associated with this communication to Deposit Account No. 502023. A duplicate copy of this document is enclosed.

Respectfully submitted,

February 10, 2006  
Date

Tom J. Hall  
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Attorney Docket No. 20719

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No.: 10/737,302	Examiner: Dhirajlal S. Nakarani
Filing Date: December 16, 2003	Group Art Unit: 1773
Inventor(s): Thomas Andrew Schell et al.	
Title: Heat-shrinkable Packaging Films with Improved Sealing Properties and Articles Made Thereof	
Attorney Docket No.: 20719	
Customer No. 30482	
Mail Stop Amendment Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450	<p align="center"><b><u>Certificate of Mailing</u></b></p> <p>I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on this date of <u>February 13, 2006</u></p> <p>By: <u>Leslie Mills</u> Leslie Mills</p>

**RESPONSE TO NOTICE OF NON-COMPLIANT  
AMENDMENT UNDER 37 C.F.R. §1.121**

Sir:

In response to the Notice of Non-Compliant Amendment under 37 C.F.R. §1.121 dated February 2, 2006, Applicant has made the changes requested by the Examiner to the Amendment filed with the U.S. Patent Office on January 25, 2006. The amended paragraphs in the specification now include the complete text with the appropriate markings. Please amend the above-identified application as follows:

Amendments to the Specification and Abstract begin on page 2 of this paper.

Amendments to the Claims are reflected in the listing of claims which begins on page 5 of this paper.

Remarks/Arguments begin on page 11 of this paper.

**Amendments To The Specification and Abstract**

Please replace the paragraph of the as-filed specification (change at page 8, line 5) with the following amended paragraph:

In general, homogeneous catalyzed ethylene/ $\alpha$ -olefin copolymers may be characterized by one or more methods known to those of skill in the art, such as molecular weight distribution ( $M_w/M_n$ ), composition distribution breadth index (CDBI), narrow melting point range, and single melt point behavior. The molecular weight distribution ( $M_w/M_n$ ), also known as "polydispersity," can be determined by gel permeation chromatography (GPC) where  $M_w$  is defined as the weight-average molecular weight and  $M_n$  is defined as the number-average molecular weight. The molecular weight determination of polymers and copolymers can be measured as outlined in ASTM D-3593-80, which is incorporated herein in its entirety by reference. Ethylene/ $\alpha$ -olefin copolymers of the present invention can be homogeneous catalyzed copolymers of ethylene and an  $\alpha$ -olefin which may have a  $M_w/M_n$  of less than 2.7, more preferably from about 1.9 to 2.5; still more preferably, from about 1.9 to 2.3. The composition distribution breadth index (CDBI) of the homogeneous catalyzed copolymers of ethylene and an  $\alpha$ -olefin will generally be greater than about 70%. This is contrasted with heterogeneous catalyzed copolymers of ethylene and an  $\alpha$ -olefin which may have a broad composition distribution index of generally less than 55%. The CDBI is defined as the weight percent of the copolymer molecules having a comonomer content within 50 percent (i.e., plus or minus 50%) of the median total molar comonomer content. The Composition Distribution Breadth Index (CDBI) may be determined via the technique of Temperature Rising Elution Fractionation (TREF) as described by Wild, et al., *Journal of Polymer Science, Poly. Phys. Ed.*, Vol. 20, p. 441 (1982) and U.S. Pat. No. 4,798,081, which are both incorporated herein, in their entireties, by reference. In accordance with the present invention, the first layer may include a first ethylene/ $\alpha$ -olefin copolymer having a molecular weight distribution ( $M_w/M_n$ ) of from [0.05-2.7] 1-2.7 as determined by method described by ASTM D-3593-80.

Please replace the paragraph of the as-filed specification (change at page 12, line 26) with the following amended paragraph:

First layer 11 includes a first homogeneous catalyzed ethylene/ $\alpha$ -olefin copolymer which includes an  $\alpha$ -olefin having 3-6 pendant carbon atoms (EAO-1). Preferably, layer 11 comprises an ethylene/ $\alpha$ -olefin copolymer having a melting point of less than 105° C., a molecular weight distribution  $M_w/M_n$  of from [0.05-2.7] 1-2.7, and a melt index of from 6.5-34 g/10 min. at 190° C. The first ethylene/ $\alpha$ -olefin copolymer may be present in layer 11 in an amount from 50-100 % based on the total weight of the first layer 11. An example of a commercially available ethylene/ $\alpha$ -olefin copolymer which includes an  $\alpha$ -olefin having 3-6 pendant carbon atoms and exhibits the desired characteristics as described above is EXACT™ 3139 provided by ExxonMobil Chemical Company of Houston, TX, U.S.A.

Please replace the paragraph of the as-filed specification (change at page 13, line 23) with the following amended paragraph:

Layer 21 comprises a first homogeneous catalyzed ethylene/ $\alpha$ -olefin copolymer (EAO-1), preferably, an ethylene/ $\alpha$ -olefin copolymer which includes an  $\alpha$ -olefin having 3-6 pendant carbon atoms, a melting point of less than 105° C., a molecular weight distribution  $M_w/M_n$  of from [0.05-2.7] 1-2.7, and a melt index of from 6.5-34 g/10 min. at 190° C. The first ethylene/ $\alpha$ -olefin copolymer in layer 21 may be present in an amount from 50-100 % based on the total weight of layer 21. A commercially available example of an ethylene/ $\alpha$ -olefin which includes an  $\alpha$ -olefin having 3-6 pendant carbon atoms and the desired characteristics as described above is EXACT™ 3139 supplied by ExxonMobil Chemical Company of Houston, TX, U.S.A.

Please replace the Abstract of the as-filed specification (change at page 28, line 9) with the following amended Abstract:

#### **ABSTRACT**

A coextruded heat-shrinkable, biaxially-oriented multilayered packaging film comprising a first layer, a second polymer layer, a third polymer layer, and a fourth polymer layer wherein the first polymer layer comprises a first ethylene/ $\alpha$ -olefin copolymer preferably, an ethylene/ $\alpha$ -olefin copolymer having an  $\alpha$ -olefin comprising 4-8 pendant carbon



atoms, a melting point of less than 105° C., a molecular weight distribution  $M_w/M_n$  of from [0.05- 2.7] 1-2.7, a melt index of from 6.5-34 g/10 min. at 190° C., and is present in the first layer is an amount of from 50-100%, based on the total weight of said first layer. The second layer comprises a second ethylene/ $\alpha$ -olefin copolymer having a melt index of from 0.85-6.0 g/10 min. Preferably, A is the cumulative total weight percentage of the first ethylene/ $\alpha$ -olefin copolymer in all layers of the film and B is the cumulative total weight percentage of the second ethylene/ $\alpha$ -olefin copolymer in all layers of the film, such that the relative amounts A and B satisfy the relationship  $2A/B \leq 1$ . The invention includes a package comprising the coextruded heat-shrinkable, biaxially-oriented multilayered packaging film.

**Amendments to the Claims:**

This listing of claims will replace all prior versions and listings of claims in the application:

**Listing of Claims:**

Claim 1 (currently amended): A coextruded heat-shrinkable, biaxially-oriented multilayered packaging film comprising;

(a) a first layer, a second polymer layer, a third polymer layer, and a fourth polymer layer;

(b) wherein said first polymer layer comprises a first ethylene/ $\alpha$ -olefin copolymer having an  $\alpha$ -olefin comprising 4-8 pendant carbon atoms, wherein said first ethylene/ $\alpha$ -olefin copolymer has:

(i) a melting point of less than 105° C. as measured in accordance with ASTM D-3418;

(ii) a molecular weight distribution  $M_w/M_n$  of from [0.05-2.7]1-2.7 as measured in accordance with ASTM D-3593-80;

(iii) a melt index of from 6.5-34 g/10 min. at 190° C. as measured in accordance with ASTM D-1238 Condition 190° C./2.16 kg;

([b]c) wherein said first ethylene  $\alpha$ -olefin copolymer is present in said first layer is an amount of from 50-100%, based on the total weight of said first layer;

([c]d) wherein said second layer comprises a second ethylene/ $\alpha$ -olefin copolymer having a melt index of from 0.85-6.0 g/10 min as measured in accordance with ASTM D-1238, Condition 190° C./2.16 kg;

([d]e) wherein A is the cumulative total weight percentage of said first ethylene/ $\alpha$ -olefin copolymer in all layers of said film and B is the cumulative total weight percentage of said second ethylene/ $\alpha$ -olefin copolymer in all layers of said film, said weight percentages being based on the total film weight, such that the relative amounts A and B satisfy the relationship  $2A/B \leq 1$ ; and

([e]f) wherein said packaging film has an unrestrained linear thermal shrinkage in the machine direction or the transverse direction of between 20-100% at 85° C. as measured in accordance with ASTM D-2732-96.

Claim 2 (original): A coextruded heat-shrinkable, biaxially-oriented multilayered packaging film according to Claim 1; wherein said first layer is a heat-sealable outer-surface layer.

Claim 3 (original): A coextruded heat-shrinkable, biaxially-oriented multilayered packaging film according to Claim 1; wherein said film has a total thickness less than 10 mils.

Claim 4 (original): A coextruded heat-shrinkable, biaxially-oriented multilayered packaging film according to Claim 3; wherein said film has a total thickness less than 5 mils.

Claim 5 (original): A coextruded heat-shrinkable, biaxially-oriented multilayered packaging film according to Claim 1; wherein said third layer is an oxygen barrier layer or a non-oxygen barrier layer.

Claim 6 (original): A coextruded heat-shrinkable, biaxially-oriented multilayered packaging film according to Claim 5; wherein said oxygen barrier layer comprises a material selected from the group consisting of ethylene/vinyl alcohol copolymer, polyvinyl chloride, polyvinylidene chloride, polyamide, polyacrylonitrile, copolymers of vinylidene chloride and vinyl chloride or alkyl acrylate, and a blend thereof.

Claim 7 (original): A coextruded heat-shrinkable, biaxially-oriented multilayered packaging film according to Claim 5; wherein said non-oxygen barrier layer is selected from the group consisting of ionomer, ethylene/ $\alpha$ -olefin copolymer, ethylene/vinyl acetate copolymer, anhydride-modified ethylene/vinyl acetate copolymer, ethylene/methyl acrylate copolymer, ethylene/ethyl acrylate copolymer, anhydride-modified ethylene/ $\alpha$ -olefin copolymer, anhydride-modified polyolefin and blends thereof.

Claim 8 (original): A coextruded heat-shrinkable, biaxially-oriented multilayered packaging film according to Claim 7; wherein said ethylene/ $\alpha$ -olefin copolymer has a melt index of from 0.85-6.0 g/10 min. at 190°C. as measured in accordance with ASTM D-1238 Condition 190° C./2.16 kg.

Claim 9 (original): A coextruded heat-shrinkable, biaxially-oriented multilayered packaging film according to Claim 1; further comprising a fifth layer.

Claim 10 (original): A coextruded heat-shrinkable, biaxially-oriented multilayered packaging film according to Claim 1; further comprising a sixth layer.

Claim 11 (original): A coextruded heat-shrinkable, biaxially-oriented multilayered packaging film according to Claim 1; further comprising a seventh layer.

Claim 12 (original): A coextruded heat-shrinkable, biaxially-oriented multilayered packaging film according to Claim 1; wherein said film is irradiated to a level such that at

least one layer of said film has a gel content of less than 5% as measured in accordance with ASTM D 2765-01.

Claim 13 (original): A coextruded heat-shrinkable, biaxially-oriented multilayered packaging film according to Claim 1; wherein said film is irradiated to a level such that at least one layer of said film has a gel content of not less than 5% as measured in accordance with ASTM D 2765-01.

Claim 14 (original): A coextruded heat-shrinkable, biaxially-oriented multilayered packaging film according to Claim 13; wherein said film is irradiated to a level such that at least one layer of said film has a gel content of not less than 10% as measured in accordance with ASTM D 2765-01.

Claim 15 (original): A coextruded heat-shrinkable, biaxially-oriented multilayered packaging film according to Claim 14; wherein said film is irradiated to a level such that at least one layer of said film has a gel content of not less than 20% as measured in accordance with ASTM D 2765-01.

Claim 16 (original): A coextruded heat-shrinkable, biaxially-oriented multilayered packaging film according to Claim 1; wherein said film forms a package.

Claim 17 (currently amended): A coextruded heat-shrinkable, biaxially-oriented multilayered packaging film comprising:

- (a) a first layer, a second polymer layer, a third polymer layer, a fourth polymer layer, and a fifth polymer layer;
- (b) wherein said first polymer layer is a heat-sealable outer-surface layer and comprises a first ethylene/ $\alpha$ -olefin copolymer having an  $\alpha$ -olefin comprising 4-8 pendant carbon atoms, wherein said first ethylene/ $\alpha$ -olefin copolymer has:
  - (i) a melting point of less than 105° C. as measured in accordance with ASTM D-3418;
  - (ii) a molecular weight distribution  $M_w/M_n$  of from [0.05-2.7]1-2.7 as measured in accordance with ASTM D-3593-80;
  - (iii) a melt index of from 6.5-34 g/10 min. at 190° C. as measured in accordance with ASTM D-1238 Condition 190° C./2.16 kg;
- (c) wherein said second layer comprises a second ethylene/ $\alpha$ -olefin copolymer having a melt index of from 0.85-6.0 g/10 min as measured in accordance with ASTM D-1238, Condition 190° C./2.16 kg;

Claim 18 (original): A coextruded heat-shrinkable, biaxially-oriented multilayered packaging film according to Claim 17; wherein said film has a total thickness less than 10 mils.

Claim 19 (original): A coextruded heat-shrinkable, biaxially-oriented multilayered packaging film according to Claim 17; wherein said third layer is an oxygen barrier layer or a non-oxygen barrier layer.

Claim 20 (original): A coextruded heat-shrinkable, biaxially-oriented multilayered packaging film according to Claim 19; wherein said oxygen barrier layer comprises a material selected from the group consisting of ethylene/vinyl alcohol copolymer, polyvinyl chloride, polyvinylidene chloride, polyamide, polyacrylonitrile, copolymers of vinylidene chloride and vinyl chloride or alkyl acrylate, and a blend thereof.

Claim 21 (original): A coextruded heat-shrinkable, biaxially-oriented multilayered packaging film according to Claim 19; wherein said non-oxygen barrier layer is selected from the group consisting of ionomer, ethylene/ $\alpha$ -olefin copolymer, ethylene/vinyl acetate copolymer, anhydride-modified ethylene/vinyl acetate copolymer, ethylene/methyl acrylate copolymer, ethylene/ethyl acrylate copolymer anhydride-modified ethylene/ $\alpha$ -olefin copolymer, anhydride-modified polyolefin and blends thereof.

Claim 22 (original): A coextruded heat-shrinkable, biaxially-oriented multilayered packaging film according to Claim 21; wherein said ethylene/ $\alpha$ -olefin copolymer has a melt index of from 0.85-6.0 g/10 min. at 190°C. as measured in accordance with ASTM D-1238 Condition 190° C./2.16 kg.

Claim 23 (original): A coextruded heat-shrinkable, biaxially-oriented multilayered packaging film according to Claim 17; further comprising a sixth layer.

Claim 24 (original): A coextruded heat-shrinkable, biaxially-oriented multilayered packaging film according to Claim 17; further comprising a seventh layer.

Claim 25 (original): A coextruded heat-shrinkable, biaxially-oriented multilayered packaging film according to Claim 17; wherein said film is irradiated to a level such that at least one layer of said film has a gel content of less than 5% as measured in accordance with ASTM D 2765-01.

Claim 26 (original): A coextruded heat-shrinkable, biaxially-oriented multilayered packaging film according to Claim 17; wherein said film is irradiated to a level such that at least one layer of said film has a gel content of not less than 5% as measured in accordance with ASTM D 2765-01.

Claim 27 (original): A coextruded heat-shrinkable, biaxially-oriented multilayered packaging film according to Claim 26; wherein said film is irradiated to a level such that at least one layer of said film has a gel content of not less than 10% as measured in accordance with ASTM D 2765-01.

Claim 28 (original): A coextruded heat-shrinkable, biaxially-oriented multilayered packaging film according to Claim 17; wherein said film forms a package.

Claim 29 (currently amended): A coextruded heat-shrinkable, biaxially-oriented multilayered packaging film comprising:

- (a) a first layer, a second polymer layer, a third polymer layer, a fourth polymer layer, a fifth polymer layer, sixth polymer layer, and a seventh polymer layer;
- (b) wherein said first polymer layer is a heat-sealable outer-surface layer and comprises a first ethylene/ $\alpha$ -olefin copolymer having an  $\alpha$ -olefin comprising 4-8 pendant carbon atoms, wherein said first ethylene/ $\alpha$ -olefin copolymer has:
  - (i) a melting point of less than 105° C. as measured in accordance with ASTM D-3418;
  - (ii) a molecular weight distribution  $M_w/M_n$  of from [0.05-2.7]1-2.7 as measured in accordance with ASTM D-3593-80;
  - (iii) a melt index of from 6.5-34 g/10 min. at 190° C. as measured in accordance with ASTM D-1238 Condition 190° C./2.16 kg;
- (c) wherein said second layer comprises a second ethylene/ $\alpha$ -olefin copolymer having a melt index of from 0.85-6.0 g/10 min as measured in accordance with ASTM D-1238, Condition 190° C./2.16 kg;
- (d) wherein A is the cumulative total weight percentage of said first ethylene/ $\alpha$ -olefin copolymer in all layers of said film and B is the cumulative total weight percentage of said second ethylene/ $\alpha$ -olefin copolymer in all layers of said film, said weight percentages being based on the total film weight, such that the relative amounts A and B satisfy the relationship  $2A/B \leq 1$ ; and
- (e) wherein said packaging film has an unrestrained linear thermal shrinkage in the machine direction or the transverse direction of between 20-100% at 85° C. as measured in accordance with ASTM D-2732-96.

Claim 30 (original): A coextruded heat-shrinkable, biaxially-oriented multilayered packaging film according to Claim 29; wherein said film has a total thickness less than 5 mils.

Claim 31 (original): A coextruded heat-shrinkable, biaxially-oriented multilayered packaging film according to Claim 29; wherein said third polymer layer, said polymer fifth layer, said sixth polymer layer, and said seventh polymer layer each comprise at least one material selected from the group consisting of ionomer, ethylene/ $\alpha$ -olefin copolymer, ethylene/vinyl acetate copolymer, anhydride-modified ethylene/vinyl acetate copolymer, ethylene/methyl acrylate copolymer, ethylene/ethyl acrylate copolymer anhydride-modified ethylene/ $\alpha$ -olefin copolymer, anhydride-modified polyolefin and blends thereof.

Claim 32 (original): A coextruded heat-shrinkable, biaxially-oriented multilayered packaging film according to Claim 29; wherein said ethylene/ $\alpha$ -olefin copolymer has a melt index of from 0.85-6.0 g/10 min. at 190°C. as measured in accordance with ASTM D-1238 Condition 190° C./2.16 kg.

Claim 33 (original): A coextruded heat-shrinkable, biaxially-oriented multilayered packaging film according to Claim 29; wherein said fourth layer is an oxygen barrier layer selected from the group consisting of ethylene/vinyl alcohol copolymer, polyvinyl chloride, polyvinylidene chloride, polyamide, polyacrylonitrile, copolymers of vinylidene chloride and vinyl chloride or alkyl acrylate, and a blend thereof.

Claim 34 (original): A coextruded heat-shrinkable, biaxially-oriented multilayered packaging film according to Claim 29; wherein said film is irradiated to a level such that at least one layer of said film has a gel content of less than 5% as measured in accordance with ASTM D 2765-01.

Claim 35 (original): A coextruded heat-shrinkable, biaxially-oriented multilayered packaging film according to Claim 29; wherein said film is irradiated to a level such that at least one layer of said film has a gel content of not less than 20% as measured in accordance with ASTM D 2765-01.

Claim 36 (original): A coextruded heat-shrinkable, biaxially-oriented multilayered packaging film according to Claim 29; wherein said film forms a package.

REMARKS/ARGUMENTS

Reconsideration of the rejections is requested. Claims 1-36 remain pending and are rejected. No claims have been cancelled. The specification and Claims 1, 17, and 29 are presently amended. Applicants submit that all amendments are supported by the application-as-filed and no new matter has been added.

In view of the present amendments, the above-identified patent application is in a condition for allowance. Therefore, Applicants respectfully request entry of the present amendment and consideration of these remarks. To the extent the Examiner has any questions with respect to this application, Applicants respectfully request that the Examiner contact Applicants' undersigned agent.

*The 112 Rejections*

The Examiner has rejected Claims 1-36 under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. Claims 1, 17 and 29 are each independent claim, with Claims 2-16, 18-28, and 30-36 dependent therefrom. Applicants note that the specification and claims have been amended to reflect the claimed *first ethylene/ $\alpha$ -olefin copolymer having a molecular weight distribution  $M_w/M_n$  of from 1.9 to 2.7*. The amendments are supported by the application-as-filed, as evidenced, on page 7, lines 20-23 of the present application. Claim 1 has also been amended to correct typographical errors. As such, Applicants respectfully submit that the rejection of Claims 1-36 is moot and should be withdrawn.

*The 103 Rejections*

The Examiner has rejected Claims 1-36 under 35 U.S.C. §103(a) as being unpatentable over Ferri *et al.* (U.S. Patent No. 6,761,965 B2). As indicated by the Examiner on page 3 of the Office Action dated September 9, 2005, Ferri *et al.* disclose an irradiated multilayer film having seal layer made of a blend of a highly branched homogeneous polymer (HBH polymer) and a semicrystalline polymer (Abstract). The Examiner has further indicated that Ferri *et al.* fail to disclose claimed gel content and claimed melt index of the semicrystalline polymer etc. and asserts that given the teaching of Ferri *et al.*, a person of ordinary skill in the art at the time of this invention was made [would have found] it obvious to optimize cross-linking and melt index of the given invention. Applicants disagree with the Examiner's conclusion. Applicants submit that there is no suggestion or motivation in either Ferri *et al.* or in the knowledge generally available to one of ordinary skill in the art at the time of this



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invention was made to modify the reference to arrive at the claimed invention and, as such, a *prima facie* case of obviousness has not been established.

“...[O]bviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art.” *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). See also MPEP § 2144 - § 2144.09.

Therefore, Applicants respectfully submit that the rejection is improper and should be withdrawn.

With respect to the Examiner's request to point out pertinent reference(s) to the claimed invention in light of the number of references cited, Applicants submit that the following references listed below may be deemed more pertinent to the claimed invention relative to those cited in the Information Disclosure Statement filed on February 18, 2005:

U.S. Patent No. 4,380,567  
U.S. Patent No. 4,429,079  
U.S. Patent No. 4,981,760  
U.S. Patent No. 5,397,613  
U.S. Patent No. 6,306,969 B1

Applicants believe that all of the remaining claims are now in compliance with the Examiner's requirements, are in condition for allowance and respectfully request reexamination and reconsideration of the application and claims.

**The Commissioner is hereby authorized to charge payment of any additional fees due under 37 C.F.R. §1.17 or credit any overpayment to Deposit Account No. 502023. A duplicate copy of this document is enclosed.**

Respectfully submitted,

February 10, 2006  
Date

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